

A CERTIFIED TRUE COPY
ATTEST

By Delora Davis on Feb 03, 2010

FOR THE UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

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**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**FILED
CLERK'S OFFICE**

**IN RE: AETNA, INC., OUT-OF-NETWORK
"UCR" RATES LITIGATION**

Luminate Ohai v. Aetna Life Insurance Inc., et al.,
N.D. Georgia, C.A. No. 1:09-2791

)
) MDL No. 2020

TRANSFER ORDER

Before the entire Panel: Plaintiff in this Georgia action moves pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), asking the Panel to vacate its order conditionally transferring the action to the District of New Jersey for inclusion in MDL No. 2020. Defendant Aetna Life Insurance Co. opposes the motion.

After considering all argument of counsel, we find that this action involves common questions of fact with actions in this litigation previously transferred to the District of New Jersey, and that transfer of this action to the District of New Jersey for inclusion in MDL No. 2020 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. We further find that transfer of this action is appropriate for reasons that we set out in our original order directing centralization in this docket. In that order, we held that the District of New Jersey was a proper Section 1407 forum for actions involving claims challenging Aetna companies' policies and practices for reimbursing Aetna plan member visits to out-of-network providers and the Aetna companies' use of the Ingenix database to calculate usual, customary and reasonable rates. *See In re: Aetna, Inc., Out-of-Network "UCR" Rates Litigation*, 609 F.Supp.2d 1370 (J.P.M.L. 2009).

Plaintiff's claims against her employer are manageable within the context of MDL proceedings by separate discovery or motion tracks or otherwise. In addition, the transferee judge can tailor pretrial proceedings so that any potential hardship arising from plaintiff litigating in the District of New Jersey is minimized. *See In re West of the Rockies Concrete Pipe Antitrust Cases*, 303 F.Supp. 507 (J.P.M.L. 1969). Use of liaison counsel, lead counsel and steering committees alleviates this concern.

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of the original on file in my office.

ATTEST

WILLIAM T. WALSH, Clerk
United States District Court
District of New Jersey

By

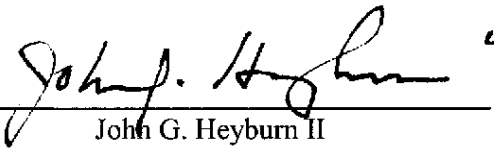
Mary Lambrose 2/5/10
Deputy Clerk

* Judge Hansen took no part in the disposition of this matter.

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IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, this action is transferred to the District of New Jersey and, with the consent of that court, assigned to the Honorable Faith S. Hochberg for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

PANEL ON MULTIDISTRICT LITIGATION



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**IN RE: AETNA, INC., OUT-OF-NETWORK
"UCR" RATES LITIGATION**

MDL No. 2020

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